

MINUTES OF THE 9/28/2004 REGULAR MEETING, AS APPROVED ON 10/26/04

Warren Voluntary Historic District Committee

Tuesday, September 28, 2004

I. Meeting Second Floor Conference Room Warren Town Hall

II. Present Eileen Collins (EC), John DaSilva (JD), Patricia Read (PR), Ed Theberge (ET), John Treat (JT), Richard Valente (RV), William Hanley (WH), Building Official

III. Absent None

IV. Next Meeting: Regular October 26, 2004

V. Meeting called to order at 7:07 p.m. (RV)

Note: In matters regarding 64 Church Street or 66 Church Street (Old Warren Marina) or 90 Baker Street (Tony's Wharf), members EC and PR are recused from discussion and voting because they are abutters, but remain present. For all other matters, members EC and PR participate fully. Upon advice of former Town Solicitor A. DeSisto, person least compromised may vote in situation where lack of quorum would otherwise postpone an issue.

Meeting began with a moment of silence for Richard O'Brien, an outstanding, dedicated Warren resident and dear friend.

Per committee custom, committee adjusted agenda in order to give

priority to applicants in attendance. EC moved to adjust schedule; JT seconded, all approved.

NEW APPLICANTS

A. Phoebe Murdoch (18 Washington Street)

Project is for painting (ongoing) and porch repairs (awaiting estimate). The application was submitted electronically, and WH followed up with a visit.

ET moved to approve painting estimate of \$6,500; JT seconded, all approved.

B. John Chaney (172 Water Street)

JChaney reviewed estimate, which is for additional painting on the eastside/backside of the house. He is continuing to use George Kirby paint, a hand-mixed marine paint. The estimate for the additional two sides of painting is for \$2,035.20.

Work has been completed on the first portion of the project, which included replacing clapboards, reshingling the roof and painting the southside. Committee had approved an estimate of \$8,700 for this first half; actual was \$8,775.10.

Total of additional costs were calculated at \$2,810.30 (\$2,035.20 for additional painting, \$775.10 overage for reshingling and new clapboards), which makes the entire project total \$10,810.30.

ET moved to accept total costs of \$10,810.30; EC seconded, all approved.

C. Tony Guida (165 Water Street)

TGuida discussed planned project, which includes additional painting (trimwork this year, remainder next year) and putting copper gutters up. There are no gutters there now, as they've been removed. Owner plans for ½ round-style gutters. The trimwork to be done would be on four sides of the house, and four sides of the garage. The rest of the painting would be done in the spring when the team is available.

PR: What led to the paint damage?

TGuida: Roofing work.

ET: Who is the contractor for the gutters?

TGuida: MetalWorks out of Tiverton. They're next to Gray's. Gutters are fabricated there, then come in pieces and are soldered in place on house.

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Tony Guida, cont.

JT: This project raises an interesting point. This could actually fall into two fiscal years, and approval now could amount to an advance on the tax credit.

PR: Is this too close to the last painting project? There needs to be a five-year span before re-painting.

ER: The last painting project was 12/4/00; it would need to be 12/5/05 at the least to meet the span.

RV: Recommend that owner split the projects into two applications. Do the gutters now, but wait on painting until spring of 2006. The application should be amended to just linear feet of gutters, which is \$4,570 installed.

PR moved to approve the installation of gutters for \$4,570 with a footnote that painting will be submitted late 2005 for work 2006. ET seconded, all approved.

NEW BUSINESS

A. Trust for Public Land/Blount River Properties – Water Street demolition request (Plat 4, Lot 155)

Todd Blount spoke for the group about the property in question, which is located at 279 Water Street and known as “the Shed.”

TBlount noted that this is a demolition request. The property is owned by the Trust for Public Land and Todd Blount is purchasing it from them. It is a metal shed, steel structure, with two stories.

Planning with the town partnership to develop the site. It needs to be brought to current code of a 16ft flood zone. They must raise it and retrofit it, so the value of the building is worthless. They want to put a timber building in its place of similar size (height and shape).

WH: Trust For Public Land/Todd Blount need the committee's recommendation to the Town Council, as they will have a public hearing on 10/14.

RV: Typically, the town Council hears this first then refers it to the WVHDC.

WH: That was done at the last Town Council meeting. It was referred to the WVHDC and a hearing set for 10/14.

EC raised the question of the first floor usage. Should this be addressed now?

RV: No, not at this time. Only demolition is up for discussion tonight.

WH noted he has not seen a historic easement on this property yet.

TBlount: It is part of design review.

WH: If the building doesn't have historic value AND an easement is not drawn, then go through Waterfront Plan Review process in the future.

RV: Question for the committee tonight is, is it a historically significant structure or not?

ET: Would we be approving in the name of the Trust for Public Land?

TBlount: Correct.

ET: He has a question regarding the title to this property, since it hasn't yet passed. Will Trust for Public Land appear at the hearing?

WH: What matters is the actual signature of the actual owner at the time of demolition.

ET moved to approve; **JT** seconded, all approved.

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OLD BUSINESS

A. Tony's Wharf (90 Baker Street)

Members PR and EC were recused due to conflicts (see Note, above).

Quorum still stands.

Clinton Poole and Angelo Pirri present for the owners.

RV: Believes there's been a significant amount of confusion on this issue, and would like to clarify several things before we begin discussion. Last September, these property owners presented plans for 66 Church Street. The WVHDC gave a fair amount of guidance, including a package of reference material. The owners have never returned on that building. Then, they have come with a proposal for 90 Baker Street, otherwise known as "Tony's Wharf."

CPoole: Did send things in for Church Street.

RV: But, you did not raise it as an active issue.

CPoole: They would like to get both properties done this evening. They believed they were called in for Baker Street. Feel that they sent in documents for Church Street and the WVHDC didn't call them.

WH: Drawings were submitted for both. Confusion is because they pursued the Baker Street project in meetings.

APirri: We're at the same level for both projects.

RV: Referring to committee's letter of 8/25, what has the applicant

responded with?

WH: Within a few days, the Building Official's office received five (5) variations for the lower level.

ET: A workshop had been scheduled for 8/31. The letter outlined the conditions that needed to be met in order for the workshop to be productive.

WH: Then, plans were received 8/26 and mailed out. The workshop was postponed to give the committee members time for review and allow RV to attend.

RV: The letter asked for a professional architect's involvement as a requirement.

CPoole: Actually, not a condition preceding but a recommendation.

APirri: WVHDC told us to hire Tony Guida.

RV: No, that was a suggestion.

CPoole: Committee doesn't have the authority to mandate an architect or an engineer. And, plans for the 66 Church Street property have been sent to the state Preservation society. They approved. This group is the appeal if the WVHDC doesn't approve, so the group will just appeal.

RV: Group should have sent letter to WVHDC contesting/disputing need for architect. He feels the 90 Baker Street drawings are identical but for the materials used for doors. The WVHDC asked for different design options, including choices for openings. This instead was four different treatments of the same design. Why didn't group submit four different designs?

CPoole: Yes, it is four different treatments of the same openings.

TGuida: They thought that everything above the doors was acceptable to the committee.

ET: That was never official. Last September, the package/recommendations had visual representations to cover the piling. When they applied for 90 Baker Street, it was the same design issue plus V zone considerations. The August 25 letter clarified the two issues – design and engineering. That's why the WVHDC asked for a professional who could talk intelligently for applicants with V zone issues.

CPoole: He asks the WVHDC to deny both applications this evening and the group will take it somewhere else. He took photos of Block island properties; they're always open. He would prefer to take it to the next level. They're not going to get a fair shake from the WVHDC ever. He got letter from the state preservation group saying nothing's wrong.

ET: Where is this letter?

CPoole: It went to the Town Planner.

ET: Why to the Town Planner?

CPoole: Can provide copy to WH for the first time tonight.

CPoole: State preservation had no problems with open pilings.

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Tony's Wharf, cont.

APirri: This is a simple building.

CPoole: And, he has a problem. Todd Blount noted his partnership with the town and that he has no easement. CPoole feels that's unfair, and not what his clients thought they were getting into. So, he's filing a petition with the Council to abort the easement because he feels they're having to play by different rules.

CPoole showed photos of houses along Water Street and asked WVHDC to show him how they met V zone rules.

ET: That house was not built today, with current V zone regulations. Also, remember that front yard property is also detailed.

RV: CP asked for what we disliked/liked. He will provide a list of what he wants. First, little foundation showing. Second, siding treatment should be to ground. Third, no balconies.

CPoole: Does this apply to 90 Baker Street only?

RV: It applies to all properties in question. Reminder: sketch needs to be done by architect; designs by an engineer. If group returns to committee with a sketch that approximates, then we can move forward.

CPoole: Give us your decision tonight and we'll decide if we return.

CPoole and APirri left the meeting.

ET read from document regarding the role of the RIHP&HC and the mediation process.

RV: Please look at the plans and let's write conditions. Letter from the state to MMaher is hardly a blanket endorsement, and they

questioned many of the elements we have questioned.

RV reviewed with group the notes he had made on the materials provided by Tony's Wharf/Old Warren Marina to date. He felt that there should be no balconies, and that four different materials on the same design is not the same as providing options. RV prefers something in the vein of our packet with siding coming down to the ground.

ET: Has to show front of house on the street. Can't show a row of garage doors. For ET, this means that from Baker Street it should have a door. The north should be the front façade of the Baker Street building, the south should be the front façade for Church Street. Secondly, ET agrees that there should be no balconies. Beyond that, his questions are relative to V zone. These questions have been raised re: breakaway walls, etc.

RV: Question is to WH. If designing for V zone, can they do with any appearance?

WH: If the lower level is going to be enclosed for any use, it must be "impermeable to the passage of water." This means that use matters!

If they were to build boats, would get reasonable variance because you can't build boats on the first floor. Then, have to build flood proof or have doors and doors and doors. Typically, the choice is doors and doors. Look at Collins/Heckert building on Church Street. It's cost-prohibitive to do other than doors and doors.

WH: Please note, Collins/Heckert building is existing and is not being changed of use.

JT: Can Collins/Heckert get flood insurance?

EC: Yes.

WH: Premiums are low because of an existing condition. Not more than 50 percent renovation in their case and the use has not changed.

RV: So, we can say what's an acceptable appearance then they must get an engineer to design so it passes structural requirements.

RV began to outline requirements.

1. North must be front façade of building for Baker Street; south must be front façade for Church Street.

2. No balconies.

3. Minimal foundation showing, not to exceed 2 feet.

4. Traditional materials, including cedar shingle style siding and wooden trim elements.

5. No exposed pilings.

Ask group/owner to approximate sketch on all sides.

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Tony's Wharf, cont.

Several members of the public audience joined the discussion.

Davison Bolster: I'd like to offer a quick perspective on how we got here. We were faced with residential development on the waterfront.

Townspeople, Town Council, Planning Board and waterfront committee wanted to keep it commercial. Had to argue that its

commercial elements that contribute to a community. Commerce is the engine that will drive the come back of this area. Need to look at these two planned new buildings in that context. For example, why the third floor? Will there be commerce on the third floor?

JT: If Bolster is asking will these buildings generate commerce, then he personally feels they won't, but that's not in the committee's purview.

DBolster: But that's where the rubber meets the road. How does a client of any kind benefit from this building? Seems that they're really planning garage below, apartments above. This would set a scary precedent for the waterfront.

JT: Is this a discussion for this committee?

DBolster: Look at the scale, design AND use. Who will conduct business on the third floor of a building?

ER: How can we approve appearance without knowing the use? Paragraph 8 of the easement states that the premises are for water-dependent or water-related use only.

RV: Can't go into use now. Can only go in that direction if they violate the use, then they open themselves to the legal process.

ET: Use does matter. If it's a kayak business, then they could need a foundation all around, not just bathrooms.

WH: And, this group has said from the start, they want apartments on the third floor. He worries that they will erect both buildings, then plead inability to rent. They'll go for a variance before the Town Council and will undo the entire mission and history.

JT: To confirm, they can't build an additional building on this plot.

What other plots are available along the waterfront for a new build?

EC: As a citizen, she regrets saying last month that she wished they hadn't been approved for a building at all. Really, she was concerned as a citizen because the building wasn't seen within the context of the whole area. Its use does play into the design as do the other elements still to be developed. For example, the state preservation board did not see the Baker Street building proposal. The scale and massing of this building affects the impact of the Church Street proposal.

PR: As a citizen, it is confusing because renditions are similar, and one set was mislabeled, and changes were made. At which did the state look? Which renderings did the other boards see?

EC: As a citizen, 90 Baker Street seems to be the priority because it's up for demolition. Why not look at them one at a time?

RV: The owners' group has asked for approval on both.

DBolster: Look back at his own drawings with the quarterboard and such. If it was placed at ground level, that building could be for commercial use because it's accessible. And, such a building is not likely to be turned into third floor apartments. His suspicion is that the owners will cry poverty and ask the Town Council for change. The efforts of two years will be undone.

JT: Legally, who wrote the easement? Does the language truly prevent a change to residential apartments? Is it strong enough?

DB: It is strong. But the weak link in the chain is the Town Council. They could amend it after planning board recommendations, public hearing and Town Council approval.

ET: In reference to the WVHDC's letter of 8/25, we asked them to reschedule if needed based on receipt of the letter and they never contacted us.

RV: He feels the WVHD has not rejected any proposal, because they haven't submitted a final proposal because Angelo Pirri asked tonight for the WVHDC to tell them what we like/don't like. Suggests committee provide a letter to provide them guidance, ask for final proposal with multiple design options. Once they submit, we can schedule a workshop within five days.

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Tony's Wharf, cont.

ET: Remember, other things in the plan, like gates, are under our purview and need to be discussed as well. For example, the site plan shows a large vehicle gate.

DBolster: And does that gate encourage commerce?

PR: As a citizen, this gate would deter all passage.

RV: We could specify a small wooden picket fence.

WH: Discussion at the Planning Board was to continue the wall from in front of the spring. This was agreed to by Pirri's group.

DBolster: Is the committee comfortable with two buildings having third floors?

ET: He personally has concerns about the scale of two buildings with

three stories each.

JT: At the time of the first application, the WVHDC went and visited the Church Street site and expressed the desire to see it smaller. Now, this is much larger than expected for the Baker Street building. 24 ½ x 30 ½ feet proposed for Church Street; 34 x 42 feet for Baker Street.

PR: As a citizen, evolution of designs is unclear and nothing has been concluded on one before the other was proposed.

ET: Why did this go through Town Planner? Why wasn't it passed to us?

DBolster: Town Planner was trying to help them using CDBG funds in order to hire an architect. They then did hire Ron Wood as architect for the barn.

ER: And that use of the architect broke the deadlock on the barn.

RV: Materials chosen for each building should be different; clapboards vs. shingles vs. vertical siding.

DBolster: A beauty of Warren is the architectural diversity of the buildings. Not formulaic, no shortcuts or cookie-cutter buildings. Would do well for this project to have two buildings that are unique.

RV: Point has been raised re: concerns as to size and number of stories. We need to restate/reemphasize the restriction of usage.

WH: The Town Building Official enforces that use, and, if the owners are violating, then court action is taken.

RV: Any town resident can bring action against the owners.

DBolster: But the WVHDC has the power to prevent this. You can specify the number of floors because it's a scale issue. By allowing

third floors, you open the doors to future changes.

JT: He feels owners will choose not to build at all if limited to two floors because it's not economically as feasible. Could instead do 2 ½ stories by prohibiting dormers. The top floor could be used by an artist who does waterscapes?

DBolster: That is not an acceptable use.

RV: He'll play devil's advocate. Water Street buildings are often commercial downstairs and residential above.

DBolster/ET: But not water front buildings. And, the easement distinguishes that.

JT: Feels we addressed scale issue at time of 66 Church Street visit. Group had been surprised by height of surrounding buildings. They were 33 feet and it would fit.

DBolster: Yes, but all those tall buildings are residential use. He'd bet there's not one third floor commercial building in town.

RV: 30'6" for Old Warren Marina (66 Church St.) submission; 33'6" for Tony's Wharf (90 Baker Street) submission. Do we want to specify the not to exceed height?

PR: Speaking as a citizen, could the committee approve a smaller version and ask for consistency in size?

ET: Already approved by Planning and Zoning Boards.

DBolster: That was a maximum size approved.

ET: How was height defined in 9/15/03 letter?

RV read that it "should approximate height of lumbershed between 28 and 34 feet." Now, they have submitted two buildings that meet that requirement.

WH: Roof pitch should be at least an 8 pitch.

RV: And that was one of the state's concerns. Letter will note that they must increase roof pitch to 8 pitch minimum to match historic precedent.

ET moved to send letter framed as discussed; JT seconded, all approved.

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B. Planning Board/WVHDC Coordination

RV: Remind secretary to create letter to planning board for concurrent notification on anything that the WVHDC touches on with waterfront historic easements.

WH: At the time this issue came up to the planning board, WH noted that it would be under WVHDC approval. They sent it back to us and don't want it back until it's approved.

DBolster: Technically, the Planning Board is supposed to be in charge of scale, etc. for architecture. Basically, they came up with a gentleman's agreement to let the WVHDC take over that section in this case as the committee already deals with these issues of appearance, siding, etc.

WH: Had a WVHDC member been at the meeting, he/she could have given input on the gate, fence, and more and it could have been addressed at the time. WVHDC can still take those elements

out/address their design.

C. Information Session

JT briefed the group on planning/execution of the November 13 free information session, "Coffee & Clapboards." The invitation list is in development as is invitation design. They are going public now with flyers and meeting with the Downtown Merchants Group. Press releases have been drafted as well. Now down to a 6 week stretch.

RV noted he'd received a call from a Providence Journal reporter (Jenny Holland) regarding changes in Warren. Was structuring it as a tale of two towns.

D. Minutes of 8/24/04 Meeting

JT moved to accept minutes as written; PR seconded, all approved.

OTHER

A. Demolition Ordinance

ET has put together suggested additions to the ordinance, that are neither technical nor legally approved yet. Effort is being made in light of de facto Johnston St. demolition to try to tighten loopholes. These suggestions are based on waterfront review ordinance relative to demolition and related to town's definitions.

RV: Two goals. First, define what demolition is. Two, put an umbrella over buildings outside the district.

WH: Technically within district can't even knock down a shed without

two months of public hearings.

JT: Would it be good to see what other towns are doing?

Meeting adjourned at 9:45 p.m. EC moved, PR seconded, all approved.